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days and then let in a gentle amount of water to flood the beds—one or two inches now, and more and more as the plants grew taller. In the mountains, vast stretches of beds were being prepared in the same way—plough and harrow and chop the weeds which here had become bigger and rougher with the rains, but would feed the soil better for that reason. When they had finished, all the country-side along the railway line looked like a vast segmented mirror, all the fine mud of the field lying beneath the four inches of water, and not a green weed to be seen. By now the plants in the nursery beds were about 1½–2 feet tall, and it was mid-July. Men plucked the seedlings, tying them swiftly into bundles of about 750. They chopped off the heads to free the plant of leaves which might make the young stalks topple over when they were planted upright. Then men and women stood ankle deep in the main beds and with one deft stroke of the right-hand they planted two or four stalks straight into the soft mud, each group a few inches from the next. It was this long and laborious task which gave the Lower Burman his landscape of endless green fields of rich waving paddy. From now on, these fields had only to be tended with water, neither to be stagnant, flooded, nor too dry. Through the months of September and October the rains diminished, the soil grew drier and the corn ripened from green to yellow. In December it was cut, tied in bundles and sunned for further drying and carried to the threshing floor. Here the bundles were ranged in rows with ears turned inwards, on the hardened surface of mud and dung, and bullocks trod round and round on them, slow and confident that their heavy hoofs would crush the chaff and leave the hard grain whole; and lo! when the mixture of corn and chaff was handed up in baskets to a high platform and tumbled down in a strong wind, the wind blew the chaff and dust away, but the corn fell in a clean heap on the ground below. Thus cultivators, and the weeds, earth, rain, sun, oxen and wind produced our wun-sa; but alas, the bounding broadcast sower, the slim, red-skirted deft-handed transplanters and the loving water-layers of this description are too often merely tenants or hired workers on the land. Owing to various causes, about 48% of the land in Lower Burma belongs to non-agriculturists, chiefly non-resident, and although the money-lending alien and Indian Chettiar had become the chief holders of such lands, the owners of fields among our friends were also absentee landlords in the fullest sense, having little connection with the working of the paddy, except as a source of income.

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Some of the pensioners got a fat income from money-lending although they would not have liked to admit it. Burmans who need money do not borrow from banks, nor do they have dealings with banks as a rule. It is only in this generation that such a thing as a bank balance is

in the country. A very common scene shows the punishment which awaits fishermen in the next existence. The miserable destroyer of animal life is represented as dangling by the tongue on a fish-hook, while demons jerk him into the air, and drop him back into a lake of burning pitch. Many of them have inscriptions below to explain the subject of the picture. Thus in Pagàn:—

"When King Ne-bin Min-gyi reigned in Methila over the ten governors, according to the old books, the Thagya Min came from the nat heavens to help him."

"In the Monastery Yatana Shwe-daing, our Lord preached the Patenôn Tagayo, and remained several days."

"Shin Thumeda (Gautama), in the land of Thudawdana, received the Buddhaship under the banyan tree."

"Payā Alaung Theidat (the embryo Budh, Prince Sīdartha), the King's son, married 4000 charming Yathe-mya."

"Our Lord rides on the elephant Nalagiri."

And so on in great variety. One also often finds such a notice as this scrawled on the wall: "In order to be prepared and to gain happiness in the seats of men, of nats, and of ne'ban, the rice-pots are set in order, the images are erected, and the paintings on the walls painted."

The monasteries are built, supported, and furnished by the pious, but there are not a few of them that have considerable sums of money laid away, usually under the control of the kappiya-dāyaka, the layman who lives in the kyaung, and provides for the wants of its inmates. A number of the royal fields round about Aungbinle, where the Burmese army assembled to seek victory before entering on a campaign, were set apart for the use of the Royal monastery at Payā Gyi, and the revenues were kept in a huge money-chest, which was always under the care of a guard of soldiers. Much of the money was devoted to the adornment of the adjacent pagoda. None can be spent on embellishing the monastery itself. That would be as great a sin as if a monk should build one for himself, besides that it would be depriving the populace of much opportunity for gaining merit.

There are a few monasteries of the Pōnnas here and there in the large towns throughout the country. These

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CHAPTER LVII

LAND TENURE

IN India the Raja has always been considered the chief proprietor of the soil and the lord paramount over all those who own it or dwell upon it. In Burma precisely the reverse of this system obtained. The king was indeed considered entitled to a share of the produce, and, as a matter of fact, undoubtedly got pretty nearly all of it; but the origin of the land tenure rested on an entirely different foundation. The Burmans go back to the first peopling of the earth and the appointment of the saintly Payālaung to be ruler over them. Mahā Thamada came after the lands had been pretty generally taken up by the people, and therefore the cultivators of the original thalé san had no intention of appointing him supreme landlord, when they chose him to be the source of the Law and of the administration of justice. He acquired a share of the produce of the country only by the free gift of the people, who, to provide revenues for him, of their own accord surrendered a tenth part of all their crops that he might be free to devote himself entirely to the management of the public affairs and the execution of the laws. This right to a tenth of the produce of the soil, and no more, is explicitly laid down in the Indian Buddhist code, the Dhammathat, or laws of Manu. This ancient book, which, by the way, is entirely distinct from the Indian *Institutes of Manu*, enunciates as follows in the sixth chapter: "The king, who is our ruler, must abide by the ten kingly laws. All land which is unclaimed shall be his, but he shall have no right to take all. Such lands as are cultivated by man, or have been previously reclaimed, shall

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remain to the cultivator and his heirs. But he shall have a tenth of the produce of all rice-lands, orchards, and gardens ; and all excise and ferry duties, as well as canals and public works, shall belong to him. Through a succession of worlds the first king, the great Mahā Thamada, has established one-tenth to be his portion for ever, and let this be regarded as an everlasting precedent."

According to the Dhammathat there are seven methods by which landed property may be acquired. These are as follows :—1. By gift from the king. This is made only to soldiers and officials. 2. By inheritance. 3. By purchase. 4. By allotment from civil officers. 5. By personal reclaiming from the jungle. 6. By gift. 7. By unchallenged occupation for a period of ten years.

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The first two titles are called perfect. The remainder are open to question, and may be disputed by any one who can show a prior claim. In actual fact, however, it may be said that the man who reclaims for himself a piece of land out of the jungle becomes by his industry proprietor of the clearing, without reference to local authorities, village elders, or any one at all, and has thereafter an inalienable right to his tenure, with no dues to pay whatever, except the sum the *taikthugyi* may see fit to assess him at. That worthy's valuation, however, always displayed an enthusiastic belief in the fertility of the soil. The landed proprietor could dispose of it by gift, or he might sell it ; otherwise it descended to his heirs and assigns in the order of succession ; the whole right and title was essentially vested in the owner and the heirs of his body. The tenure was, therefore, by what lawyers call *fee-simple*, *udal*, or *allodial right*. The estate left by the original occupier was seldom broken up. The heirs tilled parts of it, or gathered the whole crop in successive years ; so that the land did not require to be split up into infinitesimal parts. This practice was rendered all the easier by the thinness of the population. It was open to any one at any time to carve for himself out of the forest a holding of his own, and thus there was no temptation to break up the original family acres. It is singular that under a rule so completely despotic as that of Burma, where every man was the king's slave, and could not cross the borders without his permission,

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the right of land tenure should always have been so fixed and certain. The fondness with which the people cling to their ancestral lands has something of almost religious fervour in its tenacity. As long as a family remains in the neighbourhood of their inheritance nothing will persuade them to give up their connection with it. In Upper Burma, to the present day, land is never sold as the term would be understood in Europe. The transaction which goes by the name of a sale is, in reality, a kind of mortgaging, or, more exactly, pawning, if such a term can be used with regard to land.

The estate passes from one occupant to another for a certain sum of money, and it is clearly understood that if at any time the original owner is in a position to reclaim his property he may do so whether the purchaser likes it or not. Farther than this even, the buyer cannot sell the land to a third party without first obtaining the consent of its former owner. Notwithstanding this feeling, however, it is seldom that a property can be found which has remained for any considerable length of time in the same family. This is owing to the constant rebellions and wars between Peguans and Burmese and Shans, which afflicted the country for five hundred years. All those who were not killed were driven away from their former homes by ruthless invaders or were drafted off to fight for the king. In the short intervals of peace rival governors, in desperation for means to raise the revenues expected from their provinces, would tempt people away from their former homes by the offer of rewards or a reduction of body service. Thus in some cases the proprietors were killed out, in others they left for districts so remote that it was impossible to retain a hold on the ancestral property, however great their attachment to it. As an illustration of the sanctity attaching to ownership of land, the law concerning church lands may be quoted from Buddhaghosha's Parables: "Whoso shall take for himself or for another wutmye, consecrated or glebe-land, shall become a mite, or a white ant upon that sacred ground for the whole of 100,000 cycles."

The eighteenth of the original eighteen laws given by Manu to the king refers to the partition of property, and an elaboration of this points out sixteen descriptions of children who cannot claim a portion of their parents' property. The

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- 423 distinctions are more minute than is at all necessary or indeed
 428 comprehensible. They include all children born out of wed-
 848 lock, among whom are reckoned such as are born before the
 [597] parents have been married ten months; all children that are
 purchased, or adopted by any other ceremony than that of
 423 abadita or keiktima; and such as "from respect or affection
 184 style their guardians father or mother." The settlement of
 boundary marks was one of the earliest duties of the first
 ruler. The thale rice became constantly scarcer and scarcer,
 and it was determined that it would be well to give every
 person his share and mark it off distinctly. The appointment
 of persons to execute this duty was the first occasion on
 which executive officials were found necessary. Manu
 enumerated twenty-five objects suitable for legal landmarks.
 These included all natural objects, such as lakes, rivers, ridges,
 and hills, remarkable large trees and clumps of bamboos;
 artificial boundaries of an equally permanent character, such
 as pagodas, shrines for demon-worship, zayats, or rest-houses,
 stone pillars and sacred posts, wells and cairns; finally such
 singular distinguishing marks as heads of cattle, chaff, ashes,
 charcoal, sand, broken earthenware vessels, and men's bones.
 "Beating the bounds," one would think, must have been very
 necessary with the younger members of the household in the
 case of such perishable boundary lines as could be constituted
 by chaff, or even sand. In Upper Burma the cultivating
 [161] population was so sparse that no difficulty was found in the
 matter of boundaries. In Lower Burma farms are as dis-
 tinctly marked off as land-surveyors' chains can effect the
 operation in pointing out the little raised ridges which
 separate the plots of paddy land from one another. Never-
 theless they are hardly such as the South of England farmers
 would approve.

- 423 These allodial tenures are the only ones which exist in
 [171-72] Burma now. In independent territory there were two other
 651 kinds of holding, which were not, however, very numerous or
 622 extensive. The first of these were called thugyisa fields, and
 consisted of certain tracts of land near the town or village
 set apart for the maintenance of the headman. As that
 official was anything but a permanency, the tenant for the
 time being very seldom cultivated them himself, but let them

out to farmers, who were required not only to pay him his rent, but as a rule had also to supply the revenue demanded from the owner by the State. There was therefore no very enthusiastic bidding for his lands, but he always got a tenant somehow or other. It would have been a bad day for the village if no one came forward. Every man in the place would have been called upon to work for a certain period on the thugyi's paddy-fields. These have now been merged in the State lands.

The third class of arable estates consisted of the lands known as *bhanda*, treasury, or royal fields. These were the private property of the king, and were cultivated ordinarily by the outcast lamaing, crown predial slaves. Sometimes, however, the whole of the farmers in the neighbourhood were summoned by roster to do their one, or three, or five days' work, for which they received no payment; on the contrary, if they tried to escape they were tied up and received a dozen or two according to the humanity of the district governor. Near the capital, where oppression never was so gross as in the outlying provinces, the cultivators of the *Lèdawgyi* were frequently freed from all taxation but the payment of the family tax, and some even, as in the neighbourhood of Aungbinle, whose revenues were assigned by the king to the great Arakan pagoda, were let off even the *ngwedaw*. But these *corvées* were very irksome, for the payment of a little money would always ensure the omission of a name from the *taikthugyi's* list, and the work fell all the harder on the luckless remainder. The whole of the produce of the *bhanda* lands belonged of course to the king, unless where he had otherwise assigned it. What with revenue paid in kind and the crops of the *Lèdawgyi*, the king had granaries as vast as those which Joseph built for the king of Egypt. *Mindôn Min* drew from them to pay his soldiery, varying the monotony from time to time with pieces of rotten Manchester grey shirting. Offerings to the Sacred Order, of whom he daily fed several thousands, also served to keep the storehouses within reasonable bounds. *Thibaw Min* turned his grain into money with all possible expedition, and the money vanished with equal rapidity. The *Lèdaw* of course became State land on the Annexation.

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The only analogy to the crown lands in Lower Burma was found in the reservation of forests by the government for the preservation of teak and other valuable trees such as the thit-ka (*Cedreela toona*), thit-kado (*Pentace Burmanica*), and padauk (*Pterocarpus Indicus*), which are absolutely reserved, that is to say, no tree may be felled which has not been girdled by government forest officers, even by those who have bought the right to remove the timber. It is expressly stated that the lessee is in no case allowed to girdle trees on his own account, and the rules are in other respects of the most stringent and Oriental description. No taung-ya, or hill-gardens may be made in the demarcated tracts. A selection of rivers and streams is made which must be kept free from all artificial obstructions, whether for fisheries, irrigation, or other purposes. Unauthorised felling, cutting, marking, killing, or injuring trees of all kinds, shrubs or bamboos, the collection of wood oil, resin, and even leaves, and any interference with the soil or its produce without permission, is made penal. Even the use of existing roads and bridle-paths may, if the forest officer sees fit, be prohibited. In 1882, out of a total area of about 80,000 square miles of teak-producing forests, some 13,000 square miles were thus reserved, but this area has now been ten times exceeded. The Burman, who knows nothing whatever of game laws or edicts against trespassers, is inclined to look upon this stringent reservation of land which the ancient code declares free for all, as something far more despotic than the enforced labour and extortionate demands of national rule. Doubtless time will prove to him that it is a wise precaution to guard from destruction a slow-growing tree like the teak, and when the wandering hunter gets to understand that forest fires are a calamity and not simply an easy method of making a clearing, the State forests will come to be something less like pheasant coverts than they now are.

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Otherwise, waste lands, as in old Upper Burma, are by the law of the Dhammathat open to all-comers. Any one can select for himself a tract of such land at his pleasure, and may clear and cultivate in any way he chooses, paying his tax upon it when the time for the annual assessment of land revenue comes round. In many cases, however, he is allowed

to hold his land free from taxes for such a period as may be necessary to bring it into a thorough state of cultivation. In such a case as this he has to apply to the thugyi—the old hereditary officers being retained throughout British Burma—of his circle, if the land does not exceed five acres in extent. If it is above that area, application has to be made to the English Assistant-commissioner, or to the Deputy-commissioner in charge of the district, if the average of the new claim exceeds fifty. The land is then surveyed and a grant is drawn up specifying the term of years during which he shall be free from imposts. This varies according to the kind of jungle which is to be cleared away, and the kind of crops intended to be grown. The exemption is in no case for less than a year. If rice is to be grown, seven years is the longest term of rent-free tenure, but for orchard cultivation it extends to twelve years. In a few cases, where the nature of the ground necessitates, in addition to clearing away the forest growth, the digging of channels for irrigation, and the erection of dams, extension even of this long period is granted. As in France, Norway, Japan, and Switzerland, the farms are all very small, in some cases almost absurdly so. Along the old frontier the holdings averaged only about five acres, in the Rangoon district from sixteen to twenty acres is the ordinary size, but here and there are a few considerably larger. It would, however, be a great mistake to endeavour to introduce larger tenancies. It is entirely against the genius of the people, and the appearance of foreign capitalists could not be otherwise than disastrous. The present mode of cultivation is slovenly enough, and larger farms would most certainly not tend to remedy the defect, which is due in great part to the superabundance of available arable land lying waste. Burma is progressing fast enough as it is. The abundance of rich land, the facility with which rights over it can be acquired, the great demand for rice, and the ever-increasing counter demand for European goods, the fixed, though heavy taxation, the cessation of all irregular and unexpected collections, the absolute personal security enjoyed by all under the English administration: all these benefits have resulted in the trebling of the population of Lower Burma during twenty-six years since the annexation of Pegu;

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133 of the delta of the Irawadi, by which fresh silt-beds are raised to the cultivation level. The town of Tháton, now sixteen miles from the coast and without a sea
134 approach, was, in historic times, a port. Ships came up to Tenasserim in the south, the ancient emporium of trade across the Peninsula to Siam, and to

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106. THE RICE PLANT IN THE EAR.

• [423] in Pegu, proprietors are fixed on the soil in many places by royal grants (the mye, bábabaing). There were also royal demesne lands leased to tenants.

241 In the dry zone of Burma Proper, rice cultivation is impracticable except
132 where rivers flood their margins or where facilities for irrigation exist. Rice